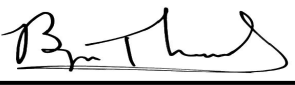


**RICHMOND POLICE DEPARTMENT GENERAL ORDER**

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be constructed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Chapter 6	Number 13	Effective Date 12/08/10	Review Date 2013
Subject FRAUD, UNAUTHORIZED USE, THEFT AND EMBEZZLEMENT OF MOTOR VEHICLES			☐ New Order ☒ Replaces G.O. 06-13, (06/07/06)
References VA Code §18.2-117			
 _____ Chief of Police or Designee		_____ 12/08/10 Date	

I. PURPOSE

The purpose of this directive is to establish the procedure for handling reports of fraud, unauthorized use, theft or embezzlement of motor vehicles and recovery of stolen vehicles from other jurisdictions.

II. POLICY

It is the policy of the Richmond Police Department to provide officers with the proper guidelines for the effective investigation and reporting of vehicle theft-related complaints. The best chance for recovery of a vehicle is complete, accurate and timely report filing, which enables prompt entry into VCIN/NCIC.

III. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this General Order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

IV. DEFINITIONS

- A. **MOTOR VEHICLE THEFT** – All cases where motor vehicles are taken by individuals not having lawful access to the vehicle, ***including joyriding, even though the vehicle may be later abandoned.*** (IBR reporting Code 240).

Examples:

1. Victim reports his/her vehicle missing from the location where he/she parked it. The vehicle was locked and victim still has keys. No one had prior permission to use vehicle.
2. Victim reports that on a cold day he/she left the vehicle unattended with keys in the ignition and running to warm up and an unknown suspect stole it.

B. UNAUTHORIZED USE OF A **MOTOR** VEHICLE – Cases where prior authority has been granted or can be assumed as in a family situation, the authorization has since been rescinded and the vehicle is taken without consent, in the absence of the victim, for temporary use (IBR reporting Code 240A).

Examples:

1. Victim reports daughter took vehicle, after being told that she cannot use it although permission to use vehicle has been granted in past.
2. Victim reports that when returning to residence, his/her vehicle is missing. Roommate has left a voice mail message stating that he/she has borrowed the vehicle and will return it in a couple of days; it is now day five. Prior authorization for the roommate to use the vehicle has been granted.
3. Victim reports that her child's father following an argument took her vehicle without her permission. Permission to use vehicle has been granted in past.

C. FRAUD OF A MOTOR VEHICLE – Cases where authority has been granted to an individual by the victim and as a result of false pretense, swindle or confidence game, the owner is deprived of the vehicle (IBR reporting Code 26F).

Examples:

1. Victim reports that he/she loaned his/her vehicle to an individual who has told him/her that he/she is driving the car to the store and will return it in 2 hours. The individual does not return the vehicle as agreed.
2. A car dealership reports that an individual asked to test drive a vehicle and the individual failed to return same.
3. A rental car company reports that an individual has failed to return a rented vehicle 5 days after the designated due date.

D. EMBEZZLEMENT OF A MOTOR VEHICLE – Cases where an employee takes a vehicle entrusted in his/her care and fails to return it. Situation must involve employee/employer relationship (IBR reporting Code 270A).

Examples:

1. A construction company reports that a worker was given a company vehicle to pick up materials and fails to return same. Vehicle is located in Virginia Beach.

2. A limousine company reports that a chauffeur was given a company limo to be washed and fails to return same. Chauffeur and vehicle cannot be located.
3. A city official reports that a city employee has failed to return a take-home vehicle entrusted to him as a perk of his employment.

V. PROCEDURE

A. General:

1. When the Division of Emergency Communications (DEC) receives a complaint of a stolen vehicle, unauthorized use of a motor vehicle or a fraud or embezzlement involving the taking of a motor vehicle, the Communications Officer shall determine whether the vehicle may have been towed by the police or by a private contractor prior to logging the call to a police unit. A brief "ALL UNITS" broadcast shall be issued containing the description of the vehicle and the notation that the theft is unconfirmed.
2. The reporting officer shall also ensure that the vehicle has not been towed by contacting the Warrant & Information Services Unit and Teletype at DEC. The name and code number of each contacted officer will be included in the narrative section of the IBR.
3. The reporting officer will determine whether the reported offense should be coded as:
 - Both "Motor Vehicle Theft" and an attempted "Motor Vehicle Theft" (steering column popped) are coded as Code 240. However, if the offense is an attempted "Motor Vehicle Theft", the reporting officer shall enter ATT in the Att/Com block.
 - For an "Unauthorized Use *of a Motor Vehicle*," use IBR reporting Code 240A.
 - For "Fraud of a Motor Vehicle", use IBR reporting Code 26F; for "Embezzlement of a Motor Vehicle", use IBR reporting Code **270A**; and, for "Robbery, Carjacking", *use* IBR reporting Code 120B [See the related section for each Offense Classification].
4. The victim, for IBR reporting purposes, is the person who was in legitimate possession of the vehicle at the time of theft, not necessarily the owner. The owner or rental agency is to be listed *as the owner (e.g. "OW")* in the related names *section and in the owner name field* on the Vehicle page of the IBR.
5. The reporting officer shall use all available information sources to obtain complete vehicle and ownership information. In the rare case that complete information on the vehicle is not available, the report should be filled out as completely as possible with notations made in the narrative as to what information is missing and why it is not available.

6. Personal property left in the vehicle at the time of theft must be listed in the report in accordance with IBR guidelines. Include complete descriptions and identification numbers. If the object of the theft was the motor vehicle, relate property to offense code 240, Motor Vehicle Theft. If the object of the theft was the vehicle along with the contents, e.g. theft of a tractor trailer and its contents, the related Offense Code 23F, Larceny, Theft from Motor Vehicle, shall be added to the report and the property shall be related to 23F.
7. The Vehicle Identification Number (VIN) is the most important identifier of a motor vehicle. Care should be taken to ensure the accuracy of VIN numbers. VIN verification applications are available to Warrant & Information Services Unit personnel and to field officers via the Mobile Data Computer (MDC). The VIN contains 17 characters. All characters must be legible. (An “s” can easily be read as a “5” and a “z” as a “2”). When recovering stolen vehicles, officers are required to physically inspect the VIN.
8. The following information **MUST** be accurate and included for the entry to be accepted by VCIN/NCIC stolen vehicle files:
 - a) Year;
 - b) Make;
 - c) Model (e.g. Caprice, Taurus, Continental, Sedan Deville, etc.);
 - d) Style (e.g. 2D, 4D, SW, SUV, etc.);
 - e) Color;
 - f) VIN; ***and***,
 - g) License.
9. The “status at time of incident” for IBR reporting purposes must be coded “7” for “stolen.”
10. After completing the report:
 - a) Review report for accuracy.
 - b) The reporting officer shall contact the Warrant & Information Services Unit to relay the report data prior to clearing as soon as possible. Record the Warrant & Information Services Unit’s ***personnel’s*** name and code number in the narrative section of the IBR.
 - c) Warrant & Information Services Unit’s ***personnel*** shall use the report data to compile both an electronic request for an All Unit Broadcast notice and a hand written hard copy of the Pink and Blue form and submit all to DEC as soon as possible to prevent any delay in entering the vehicle into NCIC/VCIN.

11. A supervisor shall review and **approve** all vehicle theft-related reports for accuracy and completeness.
12. Whenever an arrest is made involving motor vehicle thefts, unauthorized use, fraud or embezzlement involving a motor vehicle or recovered stolen vehicles from other jurisdictions, the arresting officer will be responsible for making copies of all paperwork relating to the arrest. An arrest package will be prepared for the Commonwealth's Attorney's Office.

NOTE: This information is critical when other jurisdictions are involved.

B. Motor Vehicle and Attempted Motor Vehicle Theft Reports:

1. A Motor Vehicle Theft (IBR reporting Code 240) report should be taken when the officer has probable cause to believe that the vehicle was taken without the consent of the owner by a suspect with no lawful access to the vehicle and with the intent to permanently deprive the owner of its use.
2. An attempted Motor Vehicle Theft has occurred when the steering column is popped or some other significant furtherance of the theft is in evidence, but the vehicle was not moved (IBR reporting Code 240, the reporting officer shall enter ATT in the Att/Com block). A mere broken window, for instance, should be classified Destruction/Damage/Vandalism (IBR Code **290B**), and not a Motor Vehicle Theft.

C. Unauthorized Use Reports:

1. If investigation reveals that a vehicle was taken without the consent of the owner, but prior consent has been given or can be assumed as in a family situation and the officer determines that the suspect only intended to temporarily deprive the owner of the vehicle, the offense classification is "Unauthorized Use *of a Motor Vehicle*" (IBR reporting Code 240A).
2. If the victim has enough information to properly identify the suspect, the officer ***shall complete an "Unauthorized Use" report and*** shall advise the complainant to go to the Magistrate's Office and obtain a warrant for the suspect's arrest ***within 72 hours. If a warrant is not obtained within 72 hours, the assigned precinct detective shall be responsible for removing the vehicle from VCIN/NCIC and ensuring the report is "unfounded" in PISTOL.***

D. Fraud Involving a Motor Vehicle:

1. A Fraud/Motor Vehicle report should be taken if the investigation reveals that authority was granted to the suspect by the victim as a result of false pretenses, swindle or confidence game. (IBR reporting Code 26F)
2. If the victim has enough information to properly identify the suspect, the officer ***shall complete a "Fraud/Motor Vehicle" report and*** shall advise the

complainant to go to the Magistrate's Office and obtain a warrant for the suspect's arrest *within 72 hours. If a warrant is not obtained within 72 hours, the assigned precinct detective shall be responsible for removing the vehicle from VCIN/NCIC and ensuring the report is "unfounded" in PISTOL.*

3. When a rental agency reports that a customer has violated a rental agreement by keeping a vehicle at least five (5) days longer than the specified time (VA Code §18.2-117), then the investigating officer shall advise the complainant to go to the Magistrate's Office with the rental contract and obtain a warrant for the suspect's arrest.

E. Embezzlement Involving a Motor Vehicle:

1. An Embezzlement *of a* Motor Vehicle report should be taken if the investigation reveals that an employee has taken a vehicle entrusted in his/her care and fails to return it. The victim of this report will usually be the business or entity granting access of the vehicle to the suspect and a complainant should be listed for contact purposes (IBR reporting Code 270A).
2. If the victim has enough information to properly identify the suspect, the officer ***shall complete an "Embezzlement" report and*** shall advise the complainant to go to the Magistrate's Office and obtain a warrant for the suspect's arrest *within 72 hours. If a warrant is not obtained within 72 hours, the assigned precinct detective shall be responsible for removing the vehicle from VCIN/NCIC and ensuring the report is "unfounded" in PISTOL.*

F. Robbery and Carjacking:

1. When a motor vehicle is taken by force or threat of force, the offense classification will be "Robbery, Carjacking" (IBR reporting 120B).
2. Follow the same procedures as for a Motor Vehicle Theft so that the vehicle may be entered into VCIN/NCIC as soon as possible and the All Unit Broadcasts, with a CAUTION indicator, can be issued.
3. When relaying the report to the Warrant & Information Services Unit, the reporting officer shall include instructions to have the vehicle held for investigation when recovered.

G. Recovery of Stolen Vehicles:

The recovering officer shall perform the following tasks:

1. Visibly inspect the VIN. Do not rely on the license plate for vehicle identification. If the VIN plate is missing or appears to have been tampered with, have the vehicle held for investigation and include all details in the IBR narrative.

2. Notify DEC that a stolen vehicle has been recovered. Request the original IBR number if the vehicle was stolen in Richmond or request the teletype number and jurisdiction if the vehicle was reported stolen in another jurisdiction.
3. For vehicles stolen in Richmond, complete ***a supplement to include a vehicle status page***. Use the ORIGINAL IBR NUMBER. DO NOT generate a new IBR number. Fill in ALL applicable fields, to include towing information. The ***status*** field will always be coded “5” for “recovered”. ***The condition when recovered field should be completed when the vehicle is*** damaged, burned, ***drivable or non-drivable***.
4. Complete a narrative if there is any damage or unusual circumstances, e.g. VIN missing or tampered with, an arrest was made, etc.
5. If towed, advise the Warrant & Information Services Unit that the vehicle was towed as a recovered stolen vehicle. This is not necessary if the owner has already been notified of the recovery.
6. If the vehicle contains property that was not in the vehicle when it was stolen, the officer shall submit same to the Property and Evidence Unit in accordance with current procedures. A notation, including the Property Voucher number, shall be made on the IBR narrative.
7. For recovered stolen vehicles from other jurisdictions, follow the above stated procedures and see the related section below.

H. Recovered Stolen Vehicles from Other Jurisdictions:

1. If a vehicle was stolen from the adjoining jurisdictions of Henrico or Chesterfield Counties and recovered in the City, the officer shall contact the DEC to notify the appropriate jurisdiction to request a towing preference. If no towing preference is given, the vehicle shall be towed to the nearest City contractor's tow lot unless it is to be held for investigation.
2. If the vehicle was stolen from a jurisdiction other than Henrico or Chesterfield County, the vehicle shall be towed to the City's Tow Lot to await recovery by the reporting jurisdiction.
3. The officer shall prepare an IBR with the offense classification “Recovered Stolen Vehicle from Other Jurisdiction” (99R). ***The reporting agency shall be listed as the victim (e.g. “VI”). The owner of the vehicle shall be listed as “OW” in the report.*** In the narrative, the officer shall include the following information:
 - a. The name of the jurisdiction where the offense occurred;
 - b. The Teletype number of the reporting jurisdiction;

- c. The specific details, such as location recovered, location towed, etc.;
and,
 - d. Any related arrest information.
4. *If an individual is determined to be in possession of a vehicle stolen from another jurisdiction (including Henrico and Chesterfield) at the time of arrest, the officer shall prepare an IBR with two offense classifications, "Recovered Stolen Vehicle from Other Jurisdiction" (99R) and "Stolen Property Offenses" (280A). The report will require a new IBR number and a Vehicle Supplement page must be completed. In the narrative, the officer shall include the following information:*
- a. *The name of the jurisdiction where the offense occurred;*
 - b. *The Teletype number of the reporting jurisdiction;*
 - c. *The specific details, such as location recovered, location towed, etc.;
and,*
 - d. *Any related arrest information.*
5. *When arresting an individual in possession of a vehicle stolen from another jurisdiction, the officer shall charge that individual with 18.2-109 (Possession of Stolen Vehicle).*

NOTE: The individual cannot be charged with Grand Larceny as the theft did not occur in Richmond.

VI. FORMS

- A. IBR
- B. IBR Supplement
- C. Pink and Blue Forms